

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPFANIE MCCAFFREY

v.

WINDSOR AT WINDERMERE
LIMITED PARTNERSHIP, et al.

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CIVIL ACTION
NO. 17-460

ORDER

AND NOW, this 8th day of May, 2017, upon consideration of the motion of defendants Windsor at Windermere Limited Partnership (WWLP), Windsor at Windermere Investors Corporation (WWIC) and Windsor Communities to dismiss plaintiff Stephanie McCaffrey's amended complaint for lack of jurisdiction pursuant to Rule 12(b)(2) (Dkt. No. 5), plaintiff's opposition (Dkt. No. 6) and moving defendants' reply (Dkt. No. 7), it is ORDERED that, consistent with the accompanying memorandum of law, moving defendants' motion is GRANTED and plaintiff's amended complaint is DISMISSED with leave to amend on or before May 22, 2017 to the extent that plaintiff is able to properly allege a basis for the Court's jurisdiction over her claims.¹

Also, defendant Windsor Property Management Company has not been served. See Dkt. No. 5 at ECF p. 3 n.1. Rule 4(m) of the Federal Rules of Civil Procedure provides, in relevant part, that "[i]f a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). Accordingly, this Order shall serve as notice to plaintiff that if she intends file a second amended complaint naming Windsor Property Management Company as a defendant, she shall

¹ For example, if plaintiff intends to reassert a claim against defendant WWLP, she should allege the identity and citizenship of each of the partners in WWLP.

file proof of service upon it with the Court on or before May 22, 2017, or her claims against it will be dismissed without prejudice.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.